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December 9, 2009
OFFICE OF GENERAL
COUNSEL

Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20473
Attn: Retha Dixon, Docket Manager

MUR # 6244

Dear Ms. Dixon:

Thank you for your recent correspondence regarding the FEC Complaint I submitted on November 2, 2009. Attached you will find the revised complaint. As amended, the complaint contains the sworn notarized statement.

Please let me know whether anything further is required relating to this matter. I look forward to hearing from your office.

Sincerely,

Elizabeth S. Wessel

Elizabeth S. Wessel

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December 9, 2009

Ms. Therasenia Duncan, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C.

MUR # 6244

Dear Ms. Duncan:

The purpose of this letter is to highlight the potential violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), and the related regulations of the Federal Election Commission (the "Commission"). To summarize, a website dedicated to attacking U.S. Senate candidate Marco Rubio, the Republican primary opponent of Charlie Crist, was launched on October 27, 2009. Rich Heffley, a lobbyist and top advisor to the Charlie Crist for U.S. Senate (the "Crist campaign"), has admitted that he and an undisclosed collaborator created the website.

Mr. Heffley is a political confidant of Charlie Crist and he shares office space with the Crist campaign, so it is extremely unlikely that Mr. Heffley created this site without the involvement, consent, and/or knowledge of the campaign. Regardless, the creation of the anti-Rubio site constituted coordination under the Commission's regulations because Mr. Heffley is a "common vendor" for the website and the Crist campaign. Furthermore, Mr. Heffley continues to protect the identity of his collaborator, who may be associated with the Crist campaign as well.

As a Florida voter, and on behalf of all Floridians, I respectfully urge the Commission to seek additional information from Rich Heffley and the Crist campaign to determine the extent of their coordination and identify the source of funds used to create the anti-Rubio site. If Mr. Heffley used his lobbying corporation or political consulting group to pay for the website, then the coordination would have constituted an illegal corporate contribution to the Crist campaign and violated federal law.

It is critical to our democracy to foster transparency in the political process, especially when it involves "under-the-table" contributions from lobbyists to our political candidates. Florida deserves better, and we deserve to know whether these attacks were bankrolled with corporate money in coordination with the Crist campaign.

The Facts

- On October 27, 2009, the website <http://truthaboutrubio.com> was publicly launched to "expos[e] the REAL Marco Rubio, not the myth that has been created with focus groups and millions of dollars worth of polls." The website was

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clearly created to oppose Marco Rubio, the Republican primary opponent of Charlie Crist.

- Despite the anti-Rubio being anonymous and containing no "paid for by" disclaimer, it was discovered that a top advisor to the Charlie Crist was involved in its creation. On Wednesday, October 28, 2009, the blog known as "RedState" reported that a reader had probed the source code of the anti-Rubio site and discovered the involvement of "Hoffley," presumably Rich Hoffley, a Florida lobbyist and political consultant. Specifically, the source code read:

image="/Users/hoffley/Library/Caches/TemporaryItems/news-screenshot.png" alt="" /

- Mr. Hoffley appears to be the founder of the lobbying corporation known as "Hoffley & Associates, Inc.," and a partner at the political consulting group known as "Strategic Direction." To corroborate from various online profiles of Mr. Hoffley, he played a key role in getting Charlie Crist elected Governor in 2006, and he now serves as a top advisor to Charlie Crist. Mr. Hoffley is also a paid consultant of the Republican Party of Florida, and is reportedly paid \$10,000 per month for his work on behalf of the state party.
- Mr. Hoffley shares office space with the Crist campaign and the Republican Party of Florida at 420 E. Jefferson Street, Tallahassee, FL 32301. It is unclear whether these three entities have installed proper "firewalls," such as using separate printers, copiers, and fax machines, to prevent coordination between them (regardless of whether the resulting sharing of information occurs intentionally or unintentionally).
- On October 28, 2009, a St. Petersburg Times blog known as "The Buzz" reported that a Times reporter contacted Mr. Hoffley about his name appearing in the anti-Rubio site's source code, and Mr. Hoffley "played coy but wouldn't confirm or deny his involvement." The Buzz also reported that "[f]ive minutes later, the site was shut down. It now says 'This blog is protected, to view it you must log in.'"
- When The Buzz asked Charlie Crist whether his campaign was involved with the anti-Rubio site, Mr. Crist hedged his response by stating "not that I'm aware of." Mr. Crist was already familiar enough with the website, however, to know that it contained press clippings "all in the public domain."
- On October 30, 2009, Mr. Hoffley admitted that he and an undisclosed collaborator created the anti-Rubio site. While the Commission has created various exceptions for unpaid bloggers who create website content on their own volition, the exceptions do not apply to websites created in coordination with federal campaigns and funded with corporate money.
- In order to minimize the political and legal fallout from his involvement in the anti-Rubio site, Mr. Hoffley has claimed that the Crist campaign was not involved

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in creating the website. He has not, however, revealed the identity of his collaborator, and it is suspicious why he is protecting the collaborator's identity. Even if another member of the Crist campaign was not explicitly involved in the creation of the anti-Rubio site, Mr. Heffley is a "common vendor" under the Commission's regulations.

- Although Mr. Heffley has defended his actions by claiming he is not being paid by the Crist campaign, his defense is irrelevant if he created the anti-Rubio site in coordination with the Crist campaign and funded it with corporate money. His defense is further eroded if he and the Crist campaign failed to implement proper firewalls in their shared office space.

Conclusion

In closing, I hope that the Commission seeks additional information from Rich Heffley and the Crist campaign to determine the extent of their coordination and identify the source of funds used to create the anti-Rubio site. It is extremely important for Florida voters to know whether these attacks were bankrolled with corporate money in coordination with the Crist campaign, so I thank you for your consideration of this matter.

Sincerely,

Elizabeth S. Wessel

Elizabeth S. Wessel

Tampa, Florida 33609-3813

Attachment

Notarized Sworn Statement

I, ELIZABETH WESSEL, do hereby swear that the contents of my complaint are true to the best of my knowledge.

Subscribed and sworn to before me on this 10 day of DECEMBER, 2009

[Signature]

NOTARY PUBLIC-STATE OF FLORIDA
Jesse Bryan Ojeda
Commission # DD099887
Expires: JULY 29, 2012
BONDED TRISTAR ATLANTIC BONDING CO., INC.

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October 30, 2009

Political operative linked to Crist, Fla. GOP admits helping create anonymous anti-Rubio site

By MICHAEL C. BENDER
Palm Beach Post Capital Bureau

TALLAHASSEE — An anonymous Web site aimed at embarrassing Republican Gov. Charlie Crist's political rival appears to have backfired after one of Crist's top political advisers admitted that he helped develop the site.

This latest twist in a suddenly swirling primary race is at least the second time Rich Hefley, a powerful Republican political operative, has assisted a shadowy political group on behalf of Crist.

"This was me going off half-cocked and I'll never do it again," said Hefley, an influential Tallahassee lobbyist who has billed Florida Republicans nearly \$5 million for campaign work in the past decade.

But the campaign for Republican Marco Rubio — a former state House speaker hoping to become the first Floridian in modern state politics to land a primary defeat to a sitting governor — is questioning whether Hefley would have inserted himself into the U.S. Senate race without consent from Crist's campaign or the Republican Party of Florida.

"Certainly this doesn't pass the smell test," Rubio campaign spokesman Alex Burgos said.

Hefley said neither the campaign nor the party was involved — their participation probably would have violated federal campaign laws, a legal expert said.

Hefley said he is not being paid by the Crist campaign. He has received about \$200,000 from the state Republican Party this year, but a party spokeswoman said it was for work related to state House and Senate campaigns, not Crist's U.S. Senate campaign.

Hefley said he helped someone else create the site, TruthAboutRubio.com, after an anonymous YouTube video surfaced last Saturday casting Crist in the role of Hitler during the collapse of the Nazi regime. Rubio quickly condemned the video, a spoof of the 2004 movie Downfall.

Hefley told The Palm Beach Post today that his role in the anti-Rubio site was to collect news articles critical of Rubio. He refused to name his collaborator.

But after the site was anonymously published Tuesday, a Rubio supporter quickly found evidence that Hefley was involved. Computer code from a picture showed it came from a computer named "rhafley."

News of the computer code was first reported Wednesday by a conservative blog, RedState.com, that favors Rubio, whose supporters say they have been energized by surge of momentum in recent days. Rubio's upset campaign was given little chance of challenging Crist until campaign finance reports this month showed Rubio raise \$1 million from July through September, tripling his collections during the first half of the year.

Since Wednesday, Rubio's supporters have flooded Hefley's site and helped tilt a series of polls in

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Rubio's favor.

The most recent poll question on Friday asked whether Rubio was the next Katherine Harris, a Republican who was dubbed in a 2006 U.S. Senate race. The answer was an overwhelming "no."

While Hefley regrets not being more thoughtful about the hastily-created Web site, he notes that Rubio's supporters were quick to point out his involvement but have not disputed the content. The articles Hefley assembled involve Rubio and allegations of corruption, insider-dealing and budget pork projects.

"The focus-grouped, canned Marco Rubio speech may not fit the reality of what he's done in the short time he was in office," Hefley said.

Meanwhile, Hefley - who helped run Crist's successful 2006 campaign for a property tax constitutional amendment - is no stranger to bare-knuckle Florida politics.

In 2006, his company, Strategic Direction, consulted for People for a Better Florida Fund, an electioneering group being sued for defamation during a South Florida Democratic primary.

Another client of Hefley's company that year, Floridians for Conservative Values, accused the primary opponent of Republican Will Fritz, the brother of former Senate President Ron Fritz, R-Port St. Lucie, of wanting to turn Leesburg, a town of about 18,000 located 45 miles northwest of Orlando, into Las Vegas.

Hefley, who served on the Florida Elections Commission from 1999-2005 after an appointment from then-Gov. Jeb Bush, created a company during Crist's 2006 gubernatorial primary, Issues Advocacy, that has worked for only one political client in the state: a somewhat secretive campaign committee known as Conservative Values Coalition.

That campaign committee, which can raise unlimited amounts of money without having to acknowledge whether it coordinates political strategy with state candidates, targeted Crist's primary opponent in ways that Crist himself was often unwilling.

The group painted then-state CFO Tom Gallegos, who had an assortment of similar political groups at his disposal, as anti-gun, pro-gambling and ambivalent on abortion - a blend of political positions that can all but guarantee defeat in a Florida Republican primary.

The so-called coalition was funded by an assortment of gambling and development interests and a \$10,000 check from then-Orlando City Councilman Jim Greer.

Greer eventually became Crist's hand-picked chairman of the Republican Party of Florida, which shares office space with Hefley and, more recently, Crist's U.S. Senate campaign.

A request to interview Greer for this story was declined. Crist, who was at a campaign fund-raiser on Friday in Arizona, was also unavailable for comment.

"If it was discovered that Crist or his campaign was behind this Web site, it would need to have a disclaimer under federal law," said Paul Ryan, head of the nonpartisan Campaign Legal Center in Washington D.C. "If, by contrast, it's just a political junkie who wants to run a blog about an ongoing federal race, it would not be subject to a disclaimer," Ryan said. "And that makes good sense."

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